



"The City With a Heart"

Jim Ruane, Mayor
Irene O'Connell, Vice Mayor
Ken Ibarra, Councilmember
Rico E. Medina, Councilmember
Michael Salazar, Councilmember

MINUTES
SAN BRUNO CITY COUNCIL
May 28, 2013
7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT the San Bruno City Council met on May 28, 2013 at the San Bruno Senior Center, at 1555 Crystal Springs Rd., San Bruno, CA. The meeting was called to order at 7:00 p.m. **Mayor Ruane** thanked the Garden Club for the beautiful flower arrangement.

2. ROLL CALL/PLEDGE OF ALLEGIANCE:

Presiding was Mayor Ruane, Vice Mayor O'Connell, Council Members Ibarra, Medina, and Salazar. **Project Manager Burrowes** led the Pledge of Allegiance. Recording by City Clerk Bonner.

3. ANNOUNCEMENTS:

- a. **Mayor Ruane** said the Annual Posy Parade will take place on Sunday, June 2, 2013 at 1:00 p.m. This year's theme for the 73rd Parade is "Salute to America."
- b. **Mayor Ruane** said the City Council has Scheduled Study Sessions Beginning at 6:00 p.m. on June 6, and 10 and 12, 2013 to Review the Proposed FY 2013 -14 Budgets.
- c. **Mayor Ruane** announced Caltrain started running trains on the new grade separation and somewhere toward the end of the year there should be a ribbon cutting.

4. PRESENTATIONS:

Receive Presentation Report from Jamie Monozon, San Bruno Chamber of Commerce Executive Director on the Chamber's Plans for the San Bruno Farmer's Market. Jamie Monozon gave an overview of the plans for the market as well as the relocation to San Mateo Ave.

Mayor Ruane said May 18-25 was National Public Works Week. He said in conjunction with this event the Silicon Valley Chapter of the American Public Works Association annually recognizes outstanding projects that serve the public and make a difference in our quality of life. The Crestmoor Reconstruction Project, Phases I through III was submitted for an award by our design engineers, BFK Engineers in the \$5 to \$25 million disaster emergency project category. At the APW luncheon on May 15 the City received the award and Mayor Ruane presented it to Public Services Director Fabry.

5. REVIEW OF AGENDA: **Mayor Ruane** moved Item 10.f. to follow Item 10.g.

6. APPROVAL OF MINUTES: Regular City Council Meeting of April 23 and May 14, 2013, approved as submitted.

7. CONSENT CALENDAR:

- a. **Approve:** Accounts Payable of May 13 and 20, 2013.

- b. **Approve:** Payroll of May 5, 2013.
- c. **Waive:** Second Reading and Adopt Ordinance Repealing Chapter 4.40 (Massage Establishments) and Enacting New Chapter 4.40 (Massage Establishments).
- d. **Adopt:** Resolution Temporarily Closing Certain Streets in Connection with the 73rd Annual Posy Parade on June 2, 2013 and Authorizing Use of City Park Ball Fields and Police Department Assistance with Traffic Control.
- e. **Accept:** Resignation from Citizens Crime Prevention Committee Member. Declare a Committee Member Vacancy and Direct the City Clerk to Initiate the Process for Appointment of a New Member.
- f. **Adopt:** Resolution Authorizing the Closure of San Mateo Avenue Between Jenevein Avenue and Sylvan Avenue on Sundays from June 9, 2013 through November 24, 2013 between the hours of 7:00 a.m. and 4:00 p.m. and Waiving Specified City Permit Fees for the San Bruno Chamber of Commerce Farmers' Market.
- g. **Approve:** Response to the San Mateo County Grand Jury Report on "Can We Talk? Law Enforcement and Our Multilingual County."
- h. **Approve:** Response to the San Mateo County Grand Jury Report Related to "Water Recycling – An Important Component of Wise Water Management."

M/S Medina/Ibarra to approve the Consent Calendar and passed with all ayes.

8. PUBLIC HEARINGS: None.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA: None.

10. CONDUCT OF BUSINESS:

- a. Receive Report on Education and Enforcement Activities for the 2013 Fireworks Season.

Lieutenant Caldwell and Fire Chief Ladas gave an overview of the staff report on the 2013 Fireworks Education and Enforcement Activities.

Councilmember Ibarra asked if they were within the range of the budget from last year? **Sergeant Caldwell and Fire Chief Ladas** said they were both slightly under budget last year.

Councilmember Ibarra commented on how low the Public Services charges were? **City Manager Jackson** said it has been low over the last several years because of the outreach.

Councilmember Ibarra asked for an explanation of the charges of \$64,800. **City Manager Jackson** said this is proportioned by formula. The City receives a report at the end of the season as to the total amount of gross receipts it costs all of the organizations who sell fireworks. Each group sold a certain amount which is then identified as a percentage of the total gross receipts gleaned from the activities in San Bruno. That percentage is applied against the City's costs, police fire and public works. The City is not involved in any manner, there is no surcharge or tax charged. Each group is required to cover the costs out of revenues generated from sales.

Councilmember Medina asked it be pointed out that illegal fireworks are not permitted and the proper use of safe and sane fireworks.

- b. Adopt Resolution Accepting the Revised San Bruno Grade Separation Archway Design Concept.

City Manager Jackson reviewed the staff report highlighting the revisions to the decorative archway feature of the San Bruno Grade Separation and the lettering that will identify San Bruno the color of the interior glass of the archway itself as well as the glass on the elevator tower on the east

side of the structure. She also said the JPB is prepared to show the design feature and landscaping on the east side of the structure as well as the design features at Posy Park which includes a water feature.

Mark Simon, Caltrain gave a speedy powerpoint presentation of the proposed plans for the San Bruno Archway and pointed out the information had been provided to Council in advance. He stressed the critical need to make decisions. **Rafael Bolon, Caltrain** added comments.

Council held discussions regarding the archway, medallion, glass color, color of tunnel walkways, vibrations, stability, paving, landscaping and water features in which **Simon** and **Bolon** gave responses and stressed the need to make decisions.

Councilmember Salazar asked if there would be a price reduction with the proposed changes. **Simon** said probably not. **Bolon** concurred.

City Manager Jackson said the eastside is where a decision needs to be made. She said the arch, the lettering, authorization of the landscaping in that vicinity on the east side of the station itself. **Councilmember Ibarra** said having served on the subcommittee for ten years, he had no recollection of a water feature on the east side. He added they have only seen a couple of artist renditions of a water feature on the west side, not a lot of detail of how the water would travel or spill out in certain areas.

Simon said he wanted Council to understand they have proceeded with the direction of eliminating a water feature on the east side and putting landscaping instead.

Alex Jenkins, Caltrain, said the wall treatments are horizontal lines that match the horizontal lines of the elevator glass. The color is accurate as in the printout.

Mayor Ruane said the Council was in full agreement with the simple arch.

Mayor Ruane said the Council concurred the medallion to be in the center, and asked for a mock-up of what it would look like with the suggestion of three dimensional and green.

Mayor Ruane and the Council said the elevator glass was to be green. **Simon** said it would be a lighter shade of green so people could see out.

Mayor Ruane in concurrence with Council said landscaping at the station site with no water feature. **Vice Mayor O'Connell** asked the plants be native to that climate and drought tolerant. **Simon** said this would be referred to City staff.

Mayor Ruane said that leaves the Posy Park water feature. **Simon** said this will be the City's responsibility and is a significant maintenance commitment. **Council** had questions about the maintenance of landscaping as well as concerns about the water feature. **Public Services Director Fabry** said the JPB is responsible to maintain the landscaping within the station, Posy Park with or without a water feature would be the City's responsibility.

City Manager Jackson asked the timeline for a water feature? **Bolon** said the decision will have to be made very soon and if a water feature is not used, it would be preferable to look like a water feature. **Council** discussed the water feature. **Mayor Ruane** asked it be brought back in two weeks. **City Manager Jackson** said there were some better pictures of the landscaping that can be brought back.

Robert Riechel, 7th Ave. addressed the color of the underpass and asked if there was the potential to take the color that is being painted on the structure presently and not to introduce another color?

City Manager Jackson said the landscape treatment along First Avenue, the water feature and design treatment at Posy Park and the lighting underneath the station site at San Bruno Avenue to confirm the decision to eliminate the mustard yellow color. She said by action tonight, the resolution will be amended accordingly in order to capture the decision about the arch itself, the medallion and the simplification of pavers, the glass in the elevator and the color of the arch and the east side landscaping..

M/S Ibarra/O'Connell to accept the items discussed and passed with a unanimous vote.

c. Adopt Resolution Authorizing the City Manager to Execute a Construction Contract for the Crestmoor (Glenview) Neighborhood Reconstruction – Phase III Utility Replacement Project with JMB Construction, Inc. in the Amount of \$6,473,399 and Approving a Construction Budget of \$9,030,150.

Project Manager Burrows gave an overview of the staff report and asked for questions.

Councilmember Medina asked about the 2008 project, the contractor followed protocol. He asked about the bonus feature. **Burrows** said they wanted to give an incentive to this contractor to do above and beyond what they are expected to do. He said they don't have leverage and this provides an incentive to the contractor. **City Manager Jackson** said this incentive was designed to provide additional tools to manage above and beyond delivery of a construction project.

Councilmember Salazar asked who makes the determination that non-compliance has occurred? **Burrows** said any notice of violation will be met with a verbal warning, then a written warning. The contractor will be given up to three written violations and at that time will no longer be eligible for the bonus. City Attorney Zafferano confirmed the decision to have an incentive bonus.

Burrows said the entire bonus is \$60,000, but \$40,000 will be held until the end of completion. \$20,000 three months into the project, pro-rated through the remaining portion of the contract. 1% of the entire contract amount.

Burrows said he would have to get that information.

Councilmember Salazar asked if there was an opportunity to consider putting in some conduit to support or do we forego that opportunity. **Burrows** said the recommendation was made over a year ago not to underground the utilities because of the disruption.

Councilmember Ibarra introduced the resolution for adoption and passed with a unanimous vote.

d. Receive Report and Provide Direction to Staff Regarding Development of Plans for Celebration of the City's First 100 Years of Incorporation and December 2014 Centennial.

City Manager Jackson highlighted the activities that could occur as outlined in the staff report and asked for guidance.

Councilmember Ibarra said Burlingame made it very aware to the Peninsula they were celebrating their 100 years. He said he would like to see activities throughout the year. Invest in street banners advertising 100 years.

Mayor Ruane would like to be appointed as well as Councilmember Medina. He said we needed to solicit as much information as we can through the historians in the City.

Councilmember Medina said a lot was done at the 75th anniversary.

Vice Mayor O'Connell said the list of what we already do, beef-up our Arbor Day celebration. It might be something where we can do.

Mayor Ruane asked the Clerk to look up what we have.

e. Adopt Resolution Authorizing the City Manager to Execute a Contract with Telecommunications Engineering Associates in the Amount of \$65,000 for the Installation of 9-1-1 Replacement Equipment.

Police Chief Telford gave an overview of the staff report and asked for questions.

Councilmember Salazar asked what the annual cost of sharing this with the other City? \$9600 per year.

Councilmember Medina complimented Debbie and the dispatchers.

Councilmember Medina introduced the resolution for adoption and passed with a unanimous vote.

f. Authorize the City Manager to Execute Contracts with Godbe Research in the Amount up to \$40,000 and McGovern Consulting in the Amount up to \$75,000 to Conduct a Voter Opinion Survey and Public Education Related to a Potential Voter Initiative to Amend Ordinance 1284 within the San Bruno Transit Corridors Plan Area and Adopt Budget Amendment Appropriating \$115,000 to the General Fund Planning Budget. (This item was moved to follow Item 10.g.)

Councilmembers Salazar and Medina recused themselves from this item. City Attorney Zafferano said if a Councilmember has a strong opinion he is welcome to express it.

Community Development Director Woltering gave an overview of the staff report.

Vice Mayor O'Connell said this team was successful in 2001 but not so successful in 2006. She said she believed they needed to outreach more extensively than up to 400. Focus groups were formed in 2006, look at how those focus groups are conducted. She supported the concept.

Councilmember Ibarra echoed what Vice Mayor O'Connell said. He said we really need to concentrate on the audience. He said he believed we need to put it up for a vote.

Mayor Ruane said he agreed it needed to be more than 400 and the Focus Groups needed to be carefully selected.

City Manager Jackson said they will be looking at different types of education prior to a ballot measure being presented.

Michael Salazar, Reid Ave. said this is an important effort he said he had a fundamental problem to pursue an effort that might be manipulation of a vote. Influence an agenda, public funds doesn't seem the best use of those funds. Would they have material affect on what the Council's opinion or the direction the City is already heading.

City Attorney Zafferano said in regards to Salazar's opinion use of public funds. The State on how public funds are spent while public funds cannot be used to inform and educate the public regarding the nature and affect of those ballot measures.

Councilmember Ibarra introduced the resolution for adoption and passed with a unanimous vote.

g. Adopt Resolution Confirming Special Assessments for Unpaid Municipal Code Violations Abatement Costs at 502 San Felipe Avenue and 175 Martin Place and Authorizing the County of San Mateo to Place the Special Assessments on the 2013-14 Property Tax Rolls.

Community Development Director Woltering gave an overview of the staff report and asked for questions.

Vice Mayor O'Connell said how are the property owner's notified? Woltering said it was done by regular and certified mail. He said in these cases there has been a number of notices sent to these residents. Councilmember O'Connell said why so long? Woltering said in some cases a little bit of work has been done and it appears there is an improvement, accumulation of debris, etc.

Vice Mayor O'Connell introduced the resolution for adoption and passed with a unanimous vote.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

12. COMMENTS FROM COUNCIL MEMBERS:

13. CLOSED SESSION:

14. ADJOURNMENT:

The next regular City Council Meeting will be held on June 11, 2013 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

9:43 p.m.

